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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,512	04/14/2004	David A. Doornbos	14187	6462

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EXAMINER
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WILLIAMS, THOMAS J

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/824,512

Applicant(s)

DOORNBOS ET AL.

Examiner

Thomas J. Williams

Art Unit

3683

*klw*

~ The MAILING DATE of this communication appears on the cover sheet with the correspondence address ~

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/14/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. Acknowledgment is made in the receipt of the information disclosure statement filed April 14, 2004.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,041,899 to Takamatsu.

Re-claim 1, Takamatsu discloses a damper comprising: a first part 18 with a base and a wall extending outwardly from said base and defining a space 23 having an open end; a second part 17 is rotatably secured to the first part and closes the open end, the second part includes a cover and a rim 21c at the periphery thereof; one of the wall and the rim including a radially extending lip (24 or 26) and the other of the wall and the rim defining a recess (interpreted as portion receiving the lip) for receiving the lip and defining a continuous edge for engaging the lip; and damping fluid 28 compressed in the space between the first and the second parts and contained therein by a seal formed by the edge against the lip.

Re-claim 2, the cover has a gear on an outer surface.

Art Unit: 3683

Re-claims 3 and 7, the cover extends into the space defined by the wall.

Re-claims 4, 8 and 9, the lip 26 is disposed at an outer edge of the wall. The edge of the wall includes all sides.

Re-claims 5 and 10, the base defines a groove 25a outwardly of the wall, the rim 24 extends into the groove. The groove is located outwardly of the wall with respect to the wall.

Re-claims 6 and 11, the base defines a protrusion 22 into the space defined by the wall, the cover has a dome for receiving the protrusion.

Re-claim 12, Takamatsu discloses a damper comprising: a first fixed part 18 and a rotatable second part 17 secured to the first part; the first and second parts define radially overlapping structures having substantially continuous circumferential engagement over a limited radial width; a damping fluid is under compression within a continuous space between the first and second parts.

Re-claim 13, the first part includes a base and a wall, the second part includes a cover and a rim 21c for engaging the wall, a gear is integral with the cover.

Re-claim 14, the wall has a radially outwardly directed lip 24 the rim 26 has a thickened end radially overlapping the lip, see figure 6.

Re-claim 15, the base has a protrusion and the cover has a dome covering the protrusion.

Re-claim 16, the rim 26 is disposed outwardly of the wall. The rim extends in an outward direction from the wall surface.

Re-claim 17, Takamatsu discloses a gear damper, comprising: a fixed first part 18; a second part 17 rotatable relative to the first part, the second part has a cover, a gear integral with the cover and an outer rim 24; the first and the second parts define a continuous sliding seal of

Art Unit: 3683

limited radial width; and a continuous layer of damping fluid is contained between the first and second parts.

Re-claim 18, the seal is formed by axial separation of the first and second parts.

Re-claims 19 and 20, the damping fluid is compressed between the first and second parts and applies a force against the first and second parts for creating the seal.

4. Claims 1 and 7-16 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,604,614 to Kurihara et al.

Re-claim 1, Takamatsu discloses a damper (figure 3), comprising: a first part 23 with a base 22 and a wall 23c extending outwardly from said base and defining a space having an open end; a second part 28 is rotatably secured to the first part and closes the open end, the second part includes a cover 30 and a rim at the periphery thereof; one of the wall and the rim including a radially extending lip (23d and 30d) and the other of the wall and the rim defining a recess (interpreted as portion receiving the lip) for receiving the lip and defining a continuous edge for engaging the lip; and damping fluid compressed in the space between the first and the second parts and contained therein by a seal formed by the edge against the lip.

Re-claim 7, the cover extends into the space defined by the wall.

Re-claims 8 and 9, the lip 23d is disposed at an outer edge of the wall 23c.

Re-claim 10, the base defines a groove 25a outwardly of the wall, the rim 30d extends into the groove.

Re-claim 11, the base defines a protrusion 24 into the space defined by the wall, the cover has a dome for receiving the protrusion.

Art Unit: 3683

Re-claim 12, Takamatsu discloses a damper comprising: a first fixed part 23 and a rotatable second part 28 secured to the first part; the first and second parts define radially overlapping structures having substantially continuous circumferential engagement over a limited radial width; a damping fluid is under compression within a continuous space between the first and second parts.

Re-claim 13, the first part includes a base and a wall 23c, the second part 28 includes a cover 30 and a rim 30d for engaging the wall 23c, a gear is integral with the cover.

Re-claim 14, the wall has a radially outwardly directed lip 23d the rim 30d has a thickened end radially overlapping the lip, see figure 3.

Re-claim 15, the base has a protrusion 24 and the cover has a dome covering the protrusion.

Re-claim 16, the rim 30d is disposed outwardly of the wall.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

Art Unit: 3683

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 2-6 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurihara et al. in view of US 4,869,125 to Saigusa.

Re-claim 2, Kurihara fails to teach the cover 30 having a gear on the outer surface. Saigusa teaches a rotational damper having various connections on a rotating cover portion 12, one such connection is a gear, see column 3 lines 10-13. It would have been obvious to one of ordinary skill in the art to have provided the cover of Kurihara with an integral gear as taught by Saigusa, thus providing the cover with the necessary means for connection with an external element.

Re-claim 3, the cover extends into the space defined by the wall.

Re-claim 4, the lip 23d is disposed at an outer edge of the wall.

Re-claim 5, the base defines a groove outwardly of the wall, the rim 30d extends into the groove.

Re-claim 6, the base defines a protrusion 24 into the space defined by the wall, the cover has a dome for receiving the protrusion.

Re-claim 17, Kurihara teaches a damper, comprising: fixed first part; a second part 28 rotatable relative to the first part, the second part has a cover and an outer rim 30d; the first and second parts defined a continuous sliding seal of limited radial width; a continuous layer of damping fluid is contained between the first and second parts and radially constrained by the seal. However, Kurihara fails to teach a gear integral with the second part.

Art Unit: 3683

Saigusa teaches a rotational damper having various connections on a rotating cover portion 12, one such connection is a gear, see column 3 lines 10-13. It would have been obvious to one of ordinary skill in the art to have provided the cover of Kurihara with an integral gear as taught by Saigusa, thus providing the cover with the necessary means for connection with an external element.

Re-claim 18, the seal is formed by the axial separation of the first and second parts.

Re-claims 19 and 20, the compression of the damping fluid applies a force against the first and second parts for creating the seal.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mizusawa, Arakawa, and Kawamoto each teach a damper with a fixed first part and attached rotatable second part.

Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached at (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



Art Unit: 3683

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

TJW

October 21, 2004

THOMAS WILLIAMS  
PATENT EXAMINER

*Thomas Williams*

AU 3683

10/21/04